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Date of Deposit: August 16, 2004

Attorney Docket No. 21402-157 (Cura 457)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Grosse *et al.*

SERIAL NUMBER: 09/976,782

EXAMINER: Brandon J. Fetterolf

FILING DATE: October 12, 2001

ART UNIT: 1642

FOR: Novel Proteins and Nucleic Acids Encoding Same

MS PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313.1450

**PETITION AND AMENDMENT TO CORRECT INVENTORSHIP IN A
NONPROVISIONAL PATENT APPLICATION UNDER 37 C.F.R. §1.48(b) – FEWER
INVENTORS DUE TO AMENDMENT OR CANCELLATION OF CLAIMS**

The prosecution of the above-identified nonprovisional application has resulted in the cancellation of claims so that fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the instant application. Upon granting this petition, the remaining inventor of the claimed invention is **Ramesh Kekuda**. Therefore, Applicants submit this Amendment and Petition to correct inventorship by deleting the following name(s):

William Grosse, John Alsobrook, II, Denise Lepley, Catherine Burgess, Vishnu Mishra, Li Li, Muralidhara Padigar, Richard Shimkets, Bryan Zerhusen, Kimberly Spytek, Shlomit Edinger, Valerie Gerlach, John MacDougall, Isabelle Millet, David Stone, Erik Gunther, and Karen Ellerman.

The removed inventors' inventions are no longer being claimed in the instant nonprovisional application. Therefore, upon entry of this amendment, **Ramesh Kekuda** is named as the first and sole inventor of the claimed invention.

Applicant submits herewith the appropriate fee set forth in 37 C.F.R. §1.17(h). The Commissioner is hereby authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 21402-157 (Cura 457).

08/18/2004 HALI11 00000001 09976782

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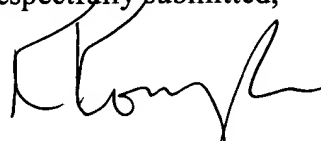
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APPLICANTS: **Kekuda (Grosse, et al.)**
U.S.S.N.: **09/976,782**

Attached is a courtesy copy of Applicants' Response to Restriction Requirement, filed concurrently in the instant application, which Applicants believe necessitated this change in inventorship.

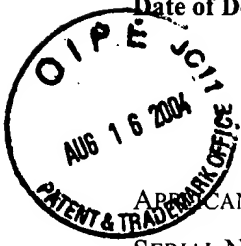
Should the Commissioner have any questions concerning this petition, he is invited to telephone the undersigned at the number provided.

Respectfully submitted,



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Kristin E. Konzak, Reg. No. 44,848
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Dated: August 16, 2004



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APPLICANTS: Grosse *et al.*

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TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Petition and Amendment to Correct Inventorship (2 pgs.);
2. Check No. 19172 for \$130.00;
3. Courtesy copy of Response to Restriction Requirement; and
4. Return Postcard.

Applicant hereby claims small entity status. If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0311, Reference No.21402-157 (Cura 457).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ivor R. Elrifi".

Dated: August 16, 2004

Ivor R. Elrifi, Reg. No. 39,529
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Express Mail No.: EV393205775US

Date of Deposit: August 16, 2004

Attorney Docket No. 21402-157 (Cura-457)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

APPLICANTS: Grosse *et al.*

SERIAL NUMBER: 09/976,782

EXAMINER: Brandon J. Fetterolf

FILING DATE: October 12, 2001

ART UNIT: 1642

FOR: Novel Proteins and Nucleic Acids Encoding Same

MS AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313.1450

**AMENDMENT AND RESPONSE TO
REQUIREMENT FOR RESTRICTION**

This paper is in response to the Restriction Requirement mailed June 16, 2004 in the above-referenced application. A response with a one-month extension of time is due on August 16, 2004. A petition for a one-month extension of time and check for the \$55.00 fee under 37 C.F.R. §1.17(a)(1) are filed herewith.

No additional fees are believed due with this filing. However, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 21402-157.

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

LISTING OF THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

What is claimed is:

1-4. (Canceled).

5. (Currently amended) An isolated nucleic acid molecule comprising a nucleic acid sequence encoding a polypeptide comprising an amino acid sequence SEQ ID NO: 16 ~~an amino acid sequence selected from the group consisting of:~~

- (a) ~~a mature form of an amino acid sequence selected from the group consisting of SEQ ID NOS:2, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 27;~~
- (b) ~~a variant of a mature form of an amino acid sequence selected from the group consisting of SEQ ID NOS:2, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 27, wherein one or more amino acid residues in said variant differs from the amino acid sequence of said mature form, provided that said variant differs in no more than 15% of the amino acid residues from the amino acid sequence of said mature form;~~
- (c) ~~an amino acid sequence selected from the group consisting of SEQ ID NOS:2, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 27;~~
- (d) ~~a variant of an amino acid sequence selected from the group consisting SEQ ID NOS:2, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 27, wherein one or more amino acid residues in said variant differs from the amino acid sequence of said mature form, provided that said variant differs in no more than 15% of amino acid residues from said amino acid sequence;~~
- (e) ~~a nucleic acid fragment encoding at least a portion of a polypeptide comprising an amino acid sequence chosen from the group consisting of SEQ ID NOS:2, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 27, or a variant of said polypeptide, wherein one or more amino acid residues in said variant differs from the amino acid~~

- ~~sequence of said mature form, provided that said variant differs in no more than 15% of amino acid residues from said amino acid sequence; and~~
- (f) ~~a nucleic acid molecule comprising the complement of (a), (b), (c), (d) or (e).~~
6. (canceled).
7. (Currently amended). The nucleic acid molecule of claim 5, wherein the nucleic acid molecule encodes a polypeptide ~~comprising~~ consisting of the amino acid sequence SEQ ID NO:16 of a naturally-occurring polypeptide variant.
8. (Currently amended). The nucleic acid molecule of claim 5, wherein the nucleic acid molecule ~~differs by a single nucleotide from~~ consists of the nucleic acid sequence SEQ ID NO: 15 ~~a nucleic acid sequence selected from the group consisting of SEQ ID NOS:1, 3, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, and 26.~~
9. (Currently amended). The nucleic acid molecule of claim 5, wherein said nucleic acid molecule comprises the nucleic acid sequence SEQ ID NO: 15 ~~a nucleotide sequence selected from the group consisting of:~~
- (a) ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS:1, 3, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, and 26;~~
- (b) ~~a nucleotide sequence differing by one or more nucleotides from a nucleotide sequence selected from the group consisting of SEQ ID NOS:1, 3, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, and 26, provided that no more than 20% of the nucleotides differ from said nucleotide sequence;~~
- (c) ~~a nucleic acid fragment of (a); and~~
- (d) ~~a nucleic acid fragment of (b).~~
- 10-11. (Canceled).
12. (Currently amended). A vector comprising the nucleic acid molecule of claim 5 ~~11~~.

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13. (Original). The vector of claim 12, further comprising a promoter operably-linked to said nucleic acid molecule.
14. (Currently amended). An isolated cell comprising the vector of claim 12.
- 15-38. (Canceled).
39. (Currently amended). A ~~pharmaceutical~~ composition comprising the nucleic acid molecule of claim 5 and a ~~pharmaceutically-acceptable~~ carrier.
- 40-41. (Canceled).
42. (Currently amended). A kit comprising in one or more containers, the ~~pharmaceutical~~ composition of claim 39.
- 43-49. (Canceled).
50. (New). A nucleic acid molecule comprising a complement of a nucleotide sequence encoding a polypeptide comprising the amino acid sequence SEQ ID NO: 16.

REMARKS

In response to the Restriction Requirement mailed June 16, 2004, Applicants elect with Group II, Claims 5-14, 39, and 42, drawn to an isolated nucleic acid molecule comprising a nucleic acid sequence encoding a polypeptide, classified in class 536, subclass 23.1. Further, Applicants elect the nucleotide sequence SEQ ID NO: 15, encoding the polypeptide SEQ ID NO:16.

This election is with traverse. The grounds for traversal are that it would not present an undue burden for the Examiner to examine Groups II, V and XV together, all with regards to a nucleic acid molecule SEQ ID NOS:15, encoding the polypeptide SEQ ID NO: 16. A search of the nucleic acid sequence SEQ ID NO:15 would also identify methods of determining the presence or amount of SEQ ID NO:15 in a sample (Group V) and methods of determining the presence of or predisposition to a disease associated with altered levels of nucleic acid sequence SEQ ID NO:15. Upon approval of this traversal and with regard to elected SEQ ID NO:15, Applicants hereby request that Groups II, V and XV be combined and that claims from Groups V and XV be re-entered and examined.

As a result of this election, the inventorship of this application should be amended to list inventor Ramesh Kekuda, the inventor of elected clone GMAC009404 A (CG54692-05), represented by nucleotide sequence SEQ ID NO:15, encoding the polypeptide SEQ ID NO:16. A Petition and Amendment to Correct Inventorship Under 37 C.F.R. §1.48(b) - Fewer Inventors due to Amendment or Cancellation of Claims ("Petition") has been filed to this effect in a separate submission. A courtesy copy of this Petition is included herewith.

Claims 1-4, 15-38, 40-41, and 43-49 have been canceled without prejudice or disclaimer as drawn to non-elected subject matter. Applicant reserves the right to pursue these claims in a later application. Claims 6 and 10-11 have been canceled. Elected claims 5, 7-9, 12, 14, 39 and 42 are amended herein to track the elected subject matter. Claim 50 has been added. Support for the new and amended pending claims can be found in originally filed claims 1-49 and throughout the specification. No new matter has been added. Upon entry of this amendment, claims 5, 7-9, 12-14, 39, 42 and 50 will be pending.

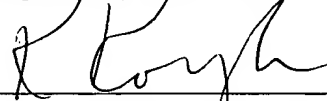
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CONCLUSION

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that this paper is fully responsive and that the pending claims are in condition for allowance. Such action is respectfully requested. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

DATED: August 16, 2004

Respectfully submitted,



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